

HALCO

HIV & AIDS Legal Clinic Ontario

news

HALCO provides free legal services for people living with HIV in Ontario

Dignity Equity Justice

Winter 2018-2019



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HALCO

HIV & AIDS Legal Clinic Ontario

Annual General Meeting 2018 and Annual Report 2017-2018

Our 2018 Annual General Meeting took place on Tuesday evening October 23, 2018, at our offices.

The meeting included a powerful and thoughtful panel consisting of Sandra Ka Hon Chu (Canadian HIV/AIDS Legal Network), Lindsay Jennings (PASAN), Sarah Ovens (Toronto Overdose Prevention Society), and Darien Taylor (Toronto Fast Track City Initiative), who spoke of the historical and ongoing importance of activism in response to the AIDS crisis and Opioid crisis.

Ryan Peck, HALCO executive director/lawyer, thanked departing board chair Rodney Kort for his leadership, dedication, and hard work, and departing board member Neesha Rao for her dedication and hard work. Sari Feferman and Shazia Islam were elected to HALCO's board, and Noah Aiken-Klar, Marcus McCann, and Judith Odhiambo were re-elected. Continuing board members are Jessica Demeria, Robert Maich, Robert Newman and Maureen Owino. Our current board list is on page 15.

Our [Annual Report 2017-2018](#) was also released at the meeting, and the **2018 Kreppner Award** was presented to **Mikiki** (please see page 3).

Mikiki receives 2018 Kreppner Award

We were delighted to present our 2018 **Kreppner Award** to **Mikiki** at our Annual General Meeting on October 23, 2018.

The late **James Kreppner**, who died in 2009, was a great and true friend to HALCO and to those living with HIV or Hepatitis C. An original member of HALCO's board, James continued serving until his death. James was courageous and strong in his belief that the wrongs suffered by people living with HIV and Hepatitis C were not to be tolerated. Despite the great cost to his health, he fought hard for compensation and justice for persons infected through the blood supply and for persons denied organ transplants. James was a local, national and international leader, and he was always a willing ear, a source of advice, and a helping hand to those who needed him. For more about James, please see our HALCO news Fall 2009 [HALCO news Fall 2009 newsletter](#).

In recognition of James' innumerable contributions, HALCO established the **Kreppner Awards** in 2010. Presented at our annual general meeting, the awards recognize the efforts of people who have made significant contributions in advocacy for and support of people with HIV or people with HIV and Hepatitis C in Ontario, Canada.

Described by nominators as a "tireless community builder" who plays so many roles for so many people, Mikiki is a committed activist, advocate, organizer and artist whose broad range of work and volunteer activity includes social justice and issues related to:

- HIV, including stigma and criminalization
- queer and trans health
- gay, bisexual and other men who have sex with men
- policing of sex work.

Mikiki's nomination was enthusiastically and overwhelmingly endorsed in the numerous letters of support that we received. Mikiki's activism across a breadth of areas includes multiple projects with a particular emphasis on ensuring social justice for Indigenous, racialized, queer and trans people, all the while applying an incredible amount of creativity and dedication. Prioritizing those most at risk, Mikiki tackles the big subjects facing people living with HIV, including stigma, isolation, death and grieving, blame, othering, and what it means to be alive in the world today. One supporter said "I simply can't imagine what the response to HIV, especially in Toronto, would be like without them."

We congratulate Mikiki, who is truly and deeply deserving of this honour.

HALCO highlights

Casework (April 1 to September 30, 2018):

- HALCO staff responded to almost 1,800 legal issues.

Public Legal Education:

- Between April 1 and September 30, 2018, we provided over 40 public legal education workshops at events, conferences and community organizations across Ontario (see page 18).
- We produced our Summer 2018 [newsletter](#).
- We held the 17th series of our ever-popular free public legal education workshops.

Law Reform and Community Development:

www.halco.org/our-services/law-reform-community-development

Some of our recent activities include:

- **Criminalization of HIV non-disclosure:** see article on page 5.
- **Trans Legal Needs Assessment Ontario** first report released: see article on page 14.
- **Opioid Crisis:**
 - **Ontario's new "Consumption and Treatment Services" plan** (page 12).
 - **From the AIDS crisis to the Opioid crisis:** panel at HALCO Annual General Meeting, please see article on page 2.
 - **Save Ontario's Overdose Prevention Sites and Safe Consumption Services event:** hosted at HALCO on October 10, 2018.
- **National Pharmacare Consultation:** shared information about the consultation and staff participated in a consultation meeting.
- **Ontario Sex Education Curriculum:** HALCO and the Canadian HIV/AIDS Legal Network are jointly intervening in a challenge at the Ontario Divisional Court of the Ontario government's decision to revert to an elementary school sexual health and education curriculum from 1998. The curriculum change results in the removal of important content, including removal of content about HIV, HIV-related stigma, and other stereotypes/attitudes that perpetuate HIV-related stigma.
- **Training with Toronto Police:** HALCO and others conducted 5 HIV-related training workshops for police officers at Division 51 in Toronto.
- **Toronto Community Housing Corporation Transfer Policy:** HALCO staff met with senior staff and provided written submissions about the Toronto Community Housing Corporation (TCHC) Draft Accommodation/Accessibility Transfer Policy (www.halco.org/wp-content/uploads/2018/06/TCHC-HALCO-Sub2018June.pdf).
- **International AIDS Conference 2018 statement:** HALCO endorsed the statement (<http://www.aids2018.org/Get-Involved/Take-part/The-Amsterdam-Affirmation>).
- **Landlord & Tenant Board Consultation on Proposed Amendments to Rules of Procedure:** HALCO made submissions (www.halco.org/wp-content/uploads/2018/10/LTB-HALCO-Sub2018Sept.pdf).

HIV and the criminal law in Canada - important update



On December 8, 2018, the government of Canada released¹ a new directive to help limit unjust prosecutions against people living with HIV in Canada. The directive governs federal prosecutors who handle criminal prosecutions in the three territories in Canada. **It does not apply to prosecutions taking place in Ontario or other provinces.**

People in Canada who face criminal charges related to HIV non-disclosure are typically charged with sexual assault, on the theory that not disclosing one's HIV-positive status, when legally required, makes their partner's consent to sex invalid. For a concise update on the law as it stands today in Ontario, please see our new **HIV and the Criminal Law in Ontario** factsheet on page 8, which is also available on our website: www.halco.org/wp-content/uploads/2018/12/HIV-crim-Ont2018Dec.pdf

Importantly, the directive recognizes that “it is not in the public interest to pursue HIV non-disclosure prosecutions for conduct that medical science shows does not pose a risk of serious harm to others” and that “the most recent medical science shows that the risk of HIV transmission through sexual activity is significantly reduced where: the person living with HIV is on treatment; condoms are used; only oral sex is engaged in; the sexual activity is limited to an isolated act; or, the person exposed to HIV, for example as a result of a broken condom, receives post-exposure prophylaxis.”

The directive also reflects to some degree the ongoing concern about the use of sexual assault charges to prosecute allegations of HIV non-disclosure. The directive states that federal prosecutors “shall prosecute HIV non-disclosure cases using non-sexual offences, instead of sexual offences, where non-sexual offences more appropriately reflect the wrongdoing committed, such as cases involving lower levels of blameworthiness.”

In addition, the directive makes clear that laws that apply to HIV non-disclosure are likely to disproportionately impact “persons from marginalized backgrounds such as, for example, Indigenous, Black and gay persons.”

(HIV and the criminal law in Canada - continues on page 6)

¹ Government of Canada, Office of the Director of Public Prosecutions. HIV Non-Disclosure Directive, December 8, 2018. Director of Public Prosecutions Act, Canada Gazette, Part I, Volume 152, Number 49: GOVERNMENT NOTICES. Available at <http://gazette.gc.ca/rp-pr/p1/2018/2018-12-08/html/notice-avis-eng.html>.

(HIV and the criminal law in Canada - continued from page 5)

We are pleased to see that the Attorney General of Canada listened to our collective voices and took concrete measures to address the ongoing over-criminalization of HIV non-disclosure. However, much must still be done by federal and provincial governments.

In particular, and as noted in the Canadian Coalition to Reform HIV Criminalization **Community Consensus Statement**² signed by over 160 organizations in November 2017, we have been demanding sound prosecutorial guidance as well as legislative reform.

We therefore continue to call on the federal government to reform Canada's *Criminal Code* to ensure that HIV-related prosecutions are removed from sexual assault law and are applied only to actual, intentional transmission.

In addition, as the federal directive does not apply to the provinces, we urge Ontario to work with community organizations and scientific experts to adopt a directive that at a minimum reflects the limits on the use of the criminal law contained in the federal directive.

While we welcome Ontario's **change in prosecutorial policy**³ made on December 1, 2017, to cease prosecutions when a person living with HIV has a viral load of under 200 copies/ml for at least six months, more must be done. We urge directives ceasing prosecutions where, based on medical and scientific evidence, there is no to negligible possibility of HIV transmission, including in cases of:

- oral sex
- anal or vaginal sex with a condom
- anal or vaginal sex without a condom while having a low viral load or while on treatment
- spitting and biting.

In addition, we urge directives clarifying that prosecutions should not take place when the person living with HIV:

- did not understand how the virus is transmitted
- disclosed their status to their sexual partner or reasonably believed their sexual partner was aware of their status through some other means
- did not disclose their status because they feared violence or other serious negative consequences would result from such disclosure
- was forced or coerced into sex.

(HIV and the criminal law in Canada - continues on page 7)

² Consensus Statement: <http://www.hivcriminalization.ca/community-consensus-statement/>

³ Ontario *Crown Prosecution Manual*: <https://www.ontario.ca/document/crown-prosecution-manual/d-33-sexual-offences-against-adults#section-0>.

Moreover, and as recognized by the Attorney General of Canada, directives should also limit the use of the law of sexual assault in cases of HIV non-disclosure.

In addition, and as acknowledged by the federal government, provincial directives should also recognize that HIV transmission is primarily a public health issue and must be treated as such. Directives must also take into account persisting inequities in access to health services and treatment that continue to affect most marginalized communities of people living with HIV, as well as gender dynamics that may prevent some women living with HIV from disclosing their status or using condoms. Directives should also include, as does the federal directive, explicit recognition of the particular and disproportionate impacts of the law on Indigenous, Black and gay persons.

While we continue to advocate for legislative reform by the federal government, it is essential that Ontario immediately update its prosecutorial policy. It is also essential the province immediately review historic convictions. Broader recommendations for Ontario can be found in the [Ontario Working Group on Criminal Law and HIV Exposure brief](#)⁴ provided to the government in April 2018.

HALCO will continue to do its utmost, in partnership with people living with HIV and others, to ensure that the use of the criminal law is brought in line with science and human rights in a manner that is supportive of HIV care, treatment and prevention.

Anyone living with HIV in Ontario can contact us for free legal advice (please see page 17 for HALCO contact information).

HALCO, in partnership with people living with HIV and others, will continue to engage in law reform activities to ensure that the criminal law is brought in line with science and human rights in a manner that is supportive of HIV-related care, treatment and prevention.



⁴ CLHE brief: http://clhe.ca/owg-criminal-law-hiv-exposure/wp-content/uploads/2018/05/Brief_Ministerial-Meeting_FINAL.pdf

HIV and the criminal law in Ontario

- factsheet

People in Canada who face criminal charges related to HIV non-disclosure are typically charged with sexual assault, on the theory that not disclosing one's HIV-positive status, when legally required, makes their partner's consent to sex invalid. Often, a charge of aggravated sexual assault is laid, on the theory that HIV infection "endangers the life" of their partner.

Under Canada's current criminal law, the duty to disclose one's HIV-positive status does not apply to all sexual activity. According to a Supreme Court of Canada¹ decision in 2012, people living with HIV have to disclose their HIV status to partners before sexual activity that poses "a realistic possibility" of HIV transmission.

The Supreme Court's decision recognized that there is no realistic possibility of HIV transmission when a condom is used and the person with HIV has a viral load of under 1,500 copies/ml of blood.

Since that decision, Ontario has recognized that having a low enough viral load could, on its own, mean there is no realistic possibility of transmission. On December 1, 2017, Ontario's Attorney General announced² that, effective immediately, provincial prosecutors will no longer prosecute cases of alleged HIV non-disclosure where a person on antiretroviral therapy can demonstrate that their HIV has been "suppressed" - which means a viral load under 200 copies/ml of blood - for at least 6 months prior to the alleged sexual activity.

On December 1, 2018, the government of Canada announced³ a directive to help limit unjust prosecutions against people living with HIV in Canada. While very important, this directive governs federal prosecutors, who handle criminal prosecutions only in the three territories in Canada. It does not apply to Ontario or other provinces.

(HIV and the criminal law in Ontario - continues on page 9)

¹ *R. v. Mabior*, 2012 SCC 47.

² Ontario *Crown Prosecution Manual*: <https://www.ontario.ca/document/crown-prosecution-manual/d-33-sexual-offences-against-adults#section-0>.

³ Government of Canada announcement: <https://www.newswire.ca/news-releases/attorney-general-of-canada-to-issue-directive-regarding-prosecutions-of-hiv-non-disclosure-cases-701701791.html>.

As of the date of publication (January 2019), based on the Ontario policy and recent court cases, here is guidance for people living with HIV in Ontario:

No duty to disclose

- A person living with HIV who is on antiretroviral therapy and has a viral load of under 200 copies/ml blood for at least 6 months does not have a duty to disclose their HIV status before anal, vaginal or oral sex. This is the case whether or not a condom is used.
- A person living with HIV who has a viral load between 200 and 1500 copies/ml blood does not have a duty to disclose their HIV status before anal, vaginal or oral sex if a condom is used properly and does not break.

Duty to disclose

Prosecutions may take place in all other circumstances when a person living with HIV does not disclose their HIV status before anal, vaginal or oral sex (prosecutions based on oral sex alone are less likely). For example:

- A person living with HIV who has a viral load between 200 and 1500 copies/ml blood has a duty to disclose if no condom is used. If a condom is not used properly or breaks, and there is no disclosure, a prosecution may still take place.
- A person living with HIV who has a viral load of over 1500 copies/ml blood has a duty to disclose, regardless of whether a condom is used.

If you are threatened with criminal charges, please contact the HIV & AIDS Legal Clinic Ontario (HALCO) immediately.

If you are contacted by police about criminal charges, please do not answer any questions (other than providing basic information such as name and date of birth) and contact HALCO immediately.

Anyone living with HIV in Ontario can contact the HIV & AIDS Legal Clinic Ontario (HALCO) for free legal advice - please see page 17.

You can find more information on our website: www.halco.org

Ontario Disability Support Program (ODSP) – Important Update

On November 22, 2018, the province of Ontario announced a new direction for social assistance in Ontario. The changes are to be implemented over the next 17 months. The proposed changes relate to Ontario Works (OW) and the Ontario Disability Support Program (ODSP), but this update focusses on ODSP.

While the government provided few details, and while we welcome additional employment and other supports that were included in the announcement, this update highlights three particular areas of concern for people living with HIV and other disabilities. We strongly urge the government to reconsider their new approach.

Disability Definition

ODSP currently uses an inclusive definition of disability that recognizes that people whose disabilities might not be “severe” may still face serious obstacles to employment and to participation in the community and in daily life. The announcement, however, indicates that the government will look at changing the definition of disability for ODSP to align with federal guidelines.

Federal definitions of disability under programs such as the Canada Pension Plan and the Disability Tax Credit are much more restrictive than the ODSP definition. As a result, many people with disabilities who need ODSP support in the future and who meet the current ODSP definition of disability will be excluded.

The government indicated that 90% of current ODSP recipients will be grand-parented under the current definition of disability. The approach to HIV under the new definition is unclear, and more generally there is a serious concern that people with episodic disabilities, like HIV, or certain mental health disabilities may not be eligible to receive ODSP benefits under the new definition.

We strongly urge the government to reconsider the move to a more restrictive definition of disability.

(ODSP Update - continues on page 11)

(ODSP Update – continued from page 10)

Health Spending Account

The government also announced the creation of a new Health Spending Account for ODSP recipients. It is not clear whether this will replace current mandatory and discretionary health-related benefits that help people access items like medical transportation, diabetes supplies, incontinence supplies, and other necessities. In fact, no information about this new approach has been released.

We strongly urge the government to ensure that people have coverage for all health-related supply and service needs.

Earnings Exemptions

The announcement also includes changes to the amounts of money that people on ODSP can keep when they work.

Currently, ODSP recipients keep the first \$200 of net employment income per month, and ODSP generally claws back 50% of the rest of net employment income.

While the new approach increases the earnings exemption amount from \$200 per month to \$6,000 per year, it also increases the claw-back rate from 50% to 75% for earnings above \$6,000.

Moving to an annual earnings amount is welcome, as it will provide more flexibility for those whose earnings fluctuate from month to month. The increased earnings exemption is also welcome. However, the higher 75% claw-back rate will have a negative impact on ODSP recipients who have net monthly employment income of \$1,100 or more per month, with the negative impact increasing as net earnings increase. The increased claw-back will disentitle more people from ODSP.

We strongly urge the government to reconsider the manner in which earnings are treated.

HALCO is currently working with others to respond to the proposed changes. We will provide updates as more information becomes available. In the meantime, whether you are a service provider or a person living with HIV in Ontario, please do not hesitate to contact us with questions about the proposed changes.

If you are living with HIV in Ontario, please do not hesitate to [contact us](#) for free legal advice about social assistance or other legal issues (see page 17).

Opioid Crisis: new Consumption and Treatment Services

In October 2018, the Ontario government announced plans to replace Supervised Consumption Sites (SCS) and Overdose Prevention Sites (OPS) with “Consumption and Treatment Services” (CTS).

HALCO, the Canadian HIV/AIDS Legal Network and community partners wrote an open letter to Ontario Minister of Health and Long-Term Care Christine Elliott on October 31, 2018, to welcome the government’s stated commitment to maintain funding for current sites in Ontario but also to raise deep concerns that:

- the government’s new approach to supervised consumption services will create more barriers instead of facilitating the rapid scale-up of a diversity of much-needed supervised consumption services across the province.
- the decision to impose one CTS model on service providers is essentially terminating the low-threshold, flexible OPS model (OPS have reversed thousands of overdoses and no deaths have been recorded at OPS).
- the requirement for existing SCS and OPS to undergo a new application process, with additional requirements but without additional funding, imposes burdens and hurdles.
- the requirement to provide treatment and rehabilitation services is not in line with harm reduction values of meeting people where they are.
- the arbitrary cap of 21 sites means people who are not near sites will not have access to life-saving care, which will undoubtedly mean more preventable overdose deaths and new HIV, hepatitis C and other infections.

We agree that there are inadequate drug treatment, mental health services and supportive housing options available for people who use drugs, and providing greater support for these services is laudable. But it should not come at the expense of life-saving supervised consumption services, including low-threshold services that are varied, responsive and meet the needs of their communities.

We urge the government to reconsider the decision to create new hurdles for service providers to receive funding to provide supervised consumption services and to limit the number of sites to 21. We call on the government to work with people who use drugs, community organizations and other health service providers to ensure greater, equitable access to SCS and OPS for the people of Ontario. Lives are at stake.

For more information, including the open letter and other links, please visit our website: <https://www.halco.org/2018/news/cts-ont-plan>

“Good Samaritan law”: new resources

As we reported in our **HALCO news Summer 2018 newsletter** (page 14), the government of Canada enacted the *Good Samaritan Drug Overdose Act* in response to Canada’s ongoing opioid overdose crisis to reduce the legal risks for people who call for help in case of a drug overdose. The Act aims to increase the chance that a person will get medical assistance during an overdose emergency. It provides people with some protection from criminal prosecution when they report their own or another person’s drug overdose to emergency services.

The Canadian HIV/AIDS Legal Network partnered with the Waterloo Region Crime Prevention Council to create a **public service announcement** and short **on-line film** to promote awareness of Canada’s new Act:

- Public service announcement:
<https://www.youtube.com/watch?v=IBA6eDqexVM>
- Short film:
<https://www.youtube.com/watch?v=WuqcXSLIRNw&feature=youtu.be>

The film features a mother whose son died from overdose, a peer worker who has experienced an overdose, and Chief Bryan Larkin of the Waterloo Regional Police Service. In the film, Chief Larkin says that the Act “changes the narrative” around drug overdose so that people can get “the health care they require.”

The short film and public service announcement build on previous efforts to increase awareness about protection for “Good Samaritans”, which include a fact sheet and wallet-sized information card (see page 14, **HALCO news Summer 2018 newsletter**).

To ensure the public service announcement is seen by as many people as possible, people and organizations are encouraged to share it through social media:

- hashtag #GoodSamaritanAct and retweet **posts by the Legal Network**
- share the Canadian HIV/AIDS Legal Network’s **Facebook post**.

If you are living with HIV in Ontario and have questions about this or other legal issues, please **contact us** for free legal advice (see page 17).

Trans Legal Needs Assessment Ontario: first report released

Legal Problems Facing Trans People in Ontario – first report / Problèmes juridiques rencontrés par les personnes trans en Ontario – rapport 1

The first report from the research project entitled TRANSforming JUSTICE: Trans Legal Needs Assessment Ontario / TRANSformer la JUSTICE Évaluation des besoins juridiques trans en Ontario (TFJ) was released in September 2018.

HALCO is leading TFJ in partnership with faculty from the University of Toronto, Western University, and Ryerson University. TFJ data collection included:

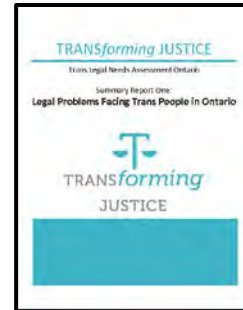
- an online survey of 232 trans people in Ontario
- 13 focus groups held in cities across Ontario, with 125 trans participants in total, including specific focus groups and workshops for:
 - Indigenous and/or Two-Spirit trans people
 - racialized trans people, and
 - trans people living with or affected by HIV.
- individual interviews with 19 trans people living with or affected by HIV, and
- 9 focus groups held across Ontario with 82 legal service providers.

As noted in this first report, findings reveal that:

- trans respondents experienced justiciable legal problems in far greater proportion than the general population in Canada;
- experiences of social exclusion, harassment, and violence based on respondents' trans status often caused or complicated justiciable legal problems; and
- obtaining legal assistance for justiciable legal problems was very rare, such that most of the problems were left unaddressed, at least formally, even when the impact of the problems was significant.

Reports on other aspects of project findings will include recommendations for action to improve access to justice and address the legal needs of trans people in Ontario. The report is available on our website:

- *Legal Problems Facing Trans People in Ontario, Summary Report One:*
www.halco.org/wp-content/uploads/2018/09/TransFJ-Report2018Sept-EN.pdf
- *Problèmes juridiques rencontrés par les personnes trans en Ontario, Rapport sommaire 1:*
www.halco.org/wp-content/uploads/2018/09/TransFJ-Rapport-2018sept-FR.pdf



HALCO

HIV & AIDS Legal Clinic Ontario

People

Staff Update

Welcome Debbie Rachlis

Debbie joined us in early January 2019 as our second immigration staff lawyer. With a strong background in immigration/refugee law, Deborah is a welcome addition to HALCO.

Wishing Jack Martin all the best

Jack joined us in September 2017 as a contract immigration lawyer to cover a leave of absence. His work was very much appreciated by clients and staff alike. We were sad to bid Jack farewell when his contract came to an end in October 2018 and we wish him every success as he returns to private practice.

HALCO Board of Directors

HALCO's skilled and dedicated volunteer board members oversee our governance:

- **Jessica Demeria** (secretary/treasurer)
- **Judith Odhiambo**
- **Marcus McCann** (vice-chair)
- **Maureen Owino**
- **Noah Aiken-Klar**
- **Robert Maich**
- **Robert Newman** (chair)
- **Sari Feferman**
- **Shazia Islam**

For more information about our board and board committees, please contact us or visit **Get Involved** on our website:

www.halco.org/get-involved

HALCO Staff

- **Amy Secord** (director of administration)
- **Debbie Rachlis** (staff lawyer)
- **Glenn Betteridge** (staff lawyer)
- **Khalid Janmohamed** (staff lawyer)
- **Rick Lobodzinski** (administrative assistant)
- **Ryan Peck** (executive director/lawyer)
- **Amy Wah** (staff lawyer)
- **Eddy Carroll** (articling student)
- **Jill McNall** (community legal worker)
- **Meagan Johnston** (staff lawyer)
- **Robin Nobleman** (staff lawyer)

Legal Information and Legal Advice

It is important to understand the difference between legal information and legal advice.

Legal information is general and includes information that someone tells you and information in pamphlets, newsletters, websites, etc. Legal information can help you:

- identify a legal problem or issue.
- prepare to get legal advice.
- find legal advice.

Legal Advice is about you and your situation. Each person's situation is different and laws change all the time. If you have a legal question or problem, you need legal advice.

Who Can Give Legal Advice

Generally, only licensed lawyers and paralegals can provide legal advice in Ontario. There are some exceptions (see LSO website link below), but a licensed lawyer or paralegal would be the most appropriate source for legal advice for most individuals in Ontario who have a legal question or problem.



The Law Society of Ontario - LSO (formerly Law Society of Upper Canada) regulates the provision of legal services in Ontario. The LSO:

- regulates who can provide legal services.
- licenses lawyers and paralegals.
- sets rules for lawyers and paralegals, including rules related to confidentiality, insurance, and continuing professional development requirements.
- provides complaint mechanisms.



For more information about who can provide legal advice, please visit the LSO website: <https://lso.ca/public-resources>

For more information about getting legal advice from HALCO, please see the next page (page 17).

For general information about getting legal help, please see the last page.

Getting Help from HALCO

- Intake Process for New Inquiries

HALCO provides free legal services for people living with HIV in Ontario. Anyone living with HIV in Ontario can call us for free legal advice, information and referrals. There is no financial eligibility for our legal advice service.

We take new inquiries for legal advice during our intake hours: **Monday, Wednesday and Friday from 9 a.m. to 5 p.m.** (not Tuesday or Thursday). You can call us at 416-340-7790 or toll-free at 1-888-705-8889. The person who has the question or legal problem should be the one to **contact us**. Interpreters are available.

One of our HALCO caseworkers is assigned to respond to new intakes each intake day. You do not need an appointment for intake but depending on how busy we are, you may have to wait to speak with the caseworker on intake.

For new immigration/refugee inquiries: our reception takes information to book an appointment for you with one of our two immigration lawyers (you can choose a phone or in-person appointment).

Many legal matters have time limits called “limitation periods”. Please **contact us** as soon as you have a question or problem so that we can have enough time to try to help. Some matters may be complex and take a long time, while others may be brief.

Through our intake process, our staff will ask you questions and may:

- provide legal advice
- help you to represent yourself
- represent you for your case, and/or
- provide a referral to other services.



Sometimes we may not be able to help or we may not be able to get the result that you would like.

We welcome your feedback and we also have a Complaint Process if you are not satisfied with our services.

HALCO website: www.halco.org



Our **What's New** website sidebar helps keep you up-to-date on current issues, announcements, events and more.

Our **Areas of Law** pages include information about many different legal topics:
www.halco.org/areas-of-law.

You can apply to become a member of HALCO or to renew your HALCO membership:
www.halco.org/getinvolved/membership.

HALCO public legal education workshops

HALCO staff organize, conduct and participate in public legal education events across Ontario and provide workshops on topics of interest to people with HIV as well as HIV-related legal issues for the broader community

Please **contact us** or visit the **Public Legal Education** section of our website for more information: www.halco.org/our-services/public-legal-education.

Our workshop legal topics include:

- HIV and the Law Overview
- HIV Disclosure and the Law: Criminal and Public Health Issues
- HIV and Immigration Law
- HIV and Privacy Law
- HIV and Private Insurance
- HIV and Employment Law
- HIV and Human Rights
- Medical Cannabis
- Planning for illness: legal information for people living with HIV in Ontario

Please **contact us** if you would like to request a workshop or our participation in an event (see last page for HALCO contact information).

HALCO Membership

HALCO's work is supported by our members. HALCO membership is free and renewed every 3 years. Please offer your support by becoming a member of HALCO.

If you are a resident of Ontario age 18 years or older, and you agree with our **Statement of Principles** (below), you can apply for HALCO membership.

Membership applications can be made:

- on our HALCO website: www.halco.org/get-involved/membership.
- by **contacting us** to ask for a membership application form by mail (please see last page for HALCO contact information).

Please note that HALCO membership has no effect on eligibility to receive legal services from HALCO.

Statement of Principles of the HIV & AIDS Legal Clinic Ontario Adopted January 30, 2006, by the Board of Directors

It is agreed that:

1. People living with HIV/AIDS are confronted with unique legal problems of enormous proportions and complexity;
2. Those best equipped to make choices regarding HIV/AIDS issues and problems are those individuals who are HIV positive themselves;
3. People living with HIV/AIDS must have control over their own lives;
4. The HIV/AIDS affected communities are very diverse and are confronted by overwhelming challenges derived from both their diversity and from their common experience as people living with HIV/AIDS;
5. It is necessary to create and foster a climate of understanding and mutual respect for the dignity and worth of people living with HIV/AIDS; and
6. The confidentiality, bodily security, autonomy and privacy of people living with HIV/AIDS must be respected, which include but are not limited to:
 - a) the right of individuals to exercise control over their own medical treatment;
 - b) the right of individuals to exercise control over decisions concerning their own socio-economic position;
 - c) the right of all persons living with HIV/AIDS to be fully informed of all processes and procedures in which their interests are in any way involved; and
 - d) the right of all persons living with HIV/AIDS to consent, or withhold their consent, in all matters affecting them.



HIV & AIDS Legal Clinic Ontario

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Getting Legal Help

If you are living with HIV in Ontario and have a legal question or problem, please **contact us** for free legal advice at 416-340-7790 or toll-free 1-888-705-8889. For more information, please see page 17.

People in Ontario can contact their local community legal clinic to ask about local services: www.legalaid.on.ca/en/getting/type_civil-clinics.asp.

HALCO takes new inquiries on Monday, Wednesday and Friday from 9 a.m. to 5 p.m. (not on Tuesdays or Thursdays).

HALCO is a “scent-reduced environment” - please avoid wearing scented products or fragrances when coming to our office.

HALCO is a registered charity funded by Legal Aid Ontario, the AIDS Bureau of the Ministry of Health and Long-Term Care, and other sources including corporate, foundation and individual donors. We welcome **donations**.

HALCO news contains general information only. It is not legal advice.

Laws, policies and practices can and often do change.

If you have a legal question or problem, you need legal advice. Please **contact HALCO**, your local legal clinic or a licensed lawyer/paralegal for legal advice.

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Previous editions are on our website: www.halco.org/our-services/our-publications.

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